GOVERNMENT OF INDIA
LAW , JUSTICE AND COMPANY AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:3954
ANSWERED ON:22.03.2001
CRIMINALISATION OF POLITICS
BASUDEB ACHARIA;SAMAR CHOUDHURY;SHIVAJI VITHALRAO KAMBLE;VARKALA RADHAKRISHNAN

Will the Minister of LAW , JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether the Government have received any note from the Chief Election Commissioner on the issue of efforts to stop criminalisation of politics;

(b) if so, the details thereof;

(c) whether any reply has since been sent to the Chief Election Commissioner in this regard; and

(d) if so, the details thereof?

Answer

MINISTER OF LAW, JUSTICE & COMPANY AFFAIRS AND SHIPPING (SHRI ARUN JAITLEY)

(a) to (d) The Election Commission of India has been writing to the Government from time to time on various aspects of reform of electoral laws. In the recent past, the Government has received two letters dated 15.7.1998 and 22.11.1999 from the Chief Election Commissioner conveying inter alia its suggestions on the subject of checking the criminalisation of politics and recommending strengthening of section 8 of the Representation of the People Act, 1951 by providing that any person convicted of any offence and sentenced to imprisonment for six months or more should be debarred from contesting elections for a period totalling the sentence imposed plus an additional six years. He has further suggested that any person accused of any offence punishable with imprisonment for five years or more should be disqualified after the competent court has framed charges against him.

In this connection, it may be stated that while the Government has formally acknowledged these letters of the Chief Election Commissioner, it has been in constant touch with the Commission on every step taken by it towards the reform of electoral laws in view of the fact that the Election Commission being in overall charge of conduct of elections and associated with/aware of the nitty-gritty of election procedure/practices and problems/difficulties associated with them, its views/suggestions in this regard would be of great importance/use. The Government has also before it the recommendations made by various other bodies/individuals like the Dinesh Goswami Committee, the Indrajit Gupta Committee, the Law Commission of India, etc. and various proposals based on their recommendations including those of the Election Commission of India are required to be discussed with the political parties at the appropriate time and concretized. The process of reform of electoral laws is, however, a continuous and ongoing process and can be carried out only through consensus among political parties, which is a time consuming process and, therefore, no time frame can be suggested in this regard. The Government, however, intends to continue interaction with the political parties on various proposals to carry forward the process of electoral reforms.